

WASHINGTON, DC – The House Judiciary Committee today approved by voice vote the creation of a bipartisan task force on over-criminalization to assess our current federal criminal statutes and make recommendations for improvements. The task force is authorized for six months and will be led by Crime, Terrorism, Homeland Security, and Investigations Subcommittee Chairman Jim Sensenbrenner (R-Wisc.) and Ranking Member Bobby Scott (D-Va.). Members of the task force include Reps. Spencer Bachus (R-Ala.), Louie Gohmert (R-Texas), Raul Labrador (R-Idaho), George Holding (R-N.C.), Jerrold Nadler (D-N.Y.), Steve Cohen (D-Tenn.), Karen Bass (D-Calif.), and Hakeem Jeffries (D-N.Y.). Ex officio members of the task force include House Judiciary Committee Chairman Bob Goodlatte (R-Va.) and Ranking Member John Conyers (D-Mich.).

At present, there are an estimated 4,500 federal crimes in the U.S. Code, many of which address conduct also regulated by the states. According to a study by the Federalist Society, the number of federal criminal offenses increased by 30 percent between 1980 and 2004. There were 452 new federal criminal offenses enacted between 2000 and 2007, averaging 56.5 new crimes per year. Over the past three decades, Congress has been averaging 500 new crimes per decade. One problem with the expansion of the federal criminal code is that along with it has come an ever-increasing labyrinth of federal regulations, often which impose criminal penalties without requiring that criminal intent be shown to establish guilt.

Below are statements on the creation of this task force from Chairman Goodlatte, Ranking Member Conyers, Crime Subcommittee Chairman Sensenbrenner, and Ranking Member Scott.

Chairman Goodlatte: "Over-criminalization is an issue of liberty. As federal criminal laws and regulations have increased, so has the number of Americans who have found themselves breaking the law with no intent of doing so. Americans who make innocent mistakes should not be charged with criminal offenses. We need to take a closer look at our laws and regulations to make sure that they protect freedom, work as efficiently and fairly as possible, and do not duplicate state efforts. I am hopeful that the bipartisan task force established today will be able to reach consensus and make recommendations to the House Judiciary Committee on how to improve our federal criminal statutes and protect our freedom."

Ranking Member Conyers: "Unduly expansive criminal provisions in our law unnecessarily drive up incarceration rates. Almost one-quarter of the world's inmates are locked up in the United States, yet Americans constitute only 5 percent of the world population. In addition, the incarceration rate for African Americans is six times that of the national incarceration average. I welcome the work of the over-criminalization task force in analyzing this serious issue."

Crime Subcommittee Chairman Sensenbrenner: "Our current criminal code is riddled with outdated provisions, inconsistent with modifications made to reflect America's contemporary approach to criminal law. This bipartisan task force will review federal laws in Title 18 and work to clean it up. Congress must ensure the federal role in criminal prosecutions is properly limited

to offenses within federal jurisdiction and within the scope of constitutionally-delegated federal powers. I also plan to reintroduce the Criminal Code Modernization and Simplification Act which reforms and recodifies Title 18 of the U.S. Code. This bill cuts more than one-third of the existing criminal code, consolidates criminal offenses from other titles, and streamlines the code to make it more coherent for attorneys, judges, and Congress."

Crime Subcommittee Ranking Member Scott: "Although crime is primarily a matter for states and localities to handle, over the last 40 or so years Congress has increasingly sought to address societal problems by adding criminal provisions to the federal code. There are now over 4,000 federal criminal provisions, plus hundreds of thousands of federal regulations which impose criminal penalties, often without requiring that criminal intent (*mens rea*) be shown to establish guilt. As a result, we are hearing many complaints of overuse and abusive uses of federal criminal laws from a broad-based coalition of organizations ranging from the Heritage Foundation to the National Association of Criminal Defense Lawyers. Today, we are establishing a bipartisan task force on over-criminalization to assess issues and make recommendations for improvements to the federal criminal system, and I look forward to working with my colleagues on this worthy endeavor."

# # #